

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case Number 10-20629

Honorable Thomas L. Ludington

v.

ROBERT ALLEN HOLT, JR.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING IN PART
AND GRANTING IN PART DEFENDANT'S MOTION TO SUPPRESS STATEMENTS**

This matter is before the Court on a report and recommendation [Dkt. #17] issued by Magistrate Judge Charles E. Binder on February 18, 2011. Judge Binder recommends that the Court deny in part Defendant's motion to suppress [Dkt. # 13] as to his assault-related statements because the statements were made during an investigatory detention and thus the United States Supreme Court's *Miranda* doctrine did not apply and Defendant's Fifth Amendment rights were not violated. Judge Binder also recommends that the Court grant in part Defendant's motion to suppress [Dkt. # 13] as to his drug-related statements and notes that the government has not objected to the suppression of these statements.

As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation [Dkt. # 17] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to suppress statements [Dkt. #13] is **DENIED IN PART** as to Defendant's assault-related statements and **GRANTED IN PART** as to Defendant's drug-related statements.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: March 8, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 8, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS